

REMARKS/ARGUMENTS

Applicant respectfully submits the attached Request for Continued Examination (RCE) and respectfully requests reconsideration of the rejections set forth in the prior final Office Action, in view of the following remarks.

Further, Applicant respectfully submits the attached copy of the file wrapper for Provisional Application No. 60/199,341 attached hereto as Exhibit A.

In particular, Applicant respectfully submits that the published U.S. Patent Application 2002/0007322 (hereinafter Stromberg) is not a valid prior art reference. The Stromberg published U.S. Patent Application was filed on April 24, 2001, after Applicant's filing date of August 29, 2000. Accordingly, the published Stromberg patent application cannot be used as a valid reference against Applicant's patent application.

Instead, only the Stromberg provisional application 60/199,341 (hereinafter Stromberg provisional application) can be used as a valid reference against the Applicant's pending patent application.

Applicant has attached a copy of the Stromberg provisional patent application as Exhibit A. It should be noted that there are substantial differences between the Stromberg provisional patent application and the Stromberg published patent application.

Particularly, the Stromberg provisional application does not contain the teachings and suggestions utilized by the prior final Office Action that were used to allegedly render obvious Applicant's amended independent claims 1, 12, and 23.

More particularly, Applicant respectfully submits that the Stromberg provisional application nowhere teaches or suggests the claim limitations of Applicants amended independent claims 1, 12, and 23 related to *upon selection of a main product by a user in communication with a visual browser via a computer network, automatically displaying a plurality of related products having at least one attribute in common with the main product that are selectable for purchase by the user.*

In contrast, the Stromberg provisional application is directed to providing catalog customers with product information beyond the limitation of the printed page...By so doing, customers will gain more convenient access to additional product information that will prove helpful in making buying decisions through a catalog distributor (Direct Marketer). (Stromberg provisional application, page 1, paragraph 3).

The Detailed Description of the Stromberg provisional application relates to a website that brings customers first to the home page of a domain which prompts the customers to type in the name of the catalog they are using...This leads them to the "sub-home page" of the catalog Direct Marketer...which then prompts the customer to enter the product item number...The customer's computer screen then brings up the customized "vendor page" providing additional information about the specific product of interest. (Stromberg provisional application, page 2, paragraph 2).

Thus, the Stromberg provisional application is directed to a very different invention than Applicants. More particularly, the Stromberg provisional application in no way teaches, suggests, or renders obvious Applicants amended independent claims 1, 12, and 23 all of which basically recite: creating a plurality of categories wherein each category identifies an attribute...associating products having at least one attribute with at least one category...*and upon selection of a main product by a user in communication with a visual browser via a computer network, automatically displaying a plurality of related products having at least one attribute in common with the main product that are selectable for purchase by the user.*

In the prior final Office Action claims 1-33 stood rejected under 35 U.S.C. §103 as being allegedly obvious over U.S. Patent No. 6,236,990 issued to Geller et al. (Geller) in view of Published U.S. Patent Application No. 2002/0007322. Also, as previously discussed Geller teaches a very different invention and does not teach or suggest the claim limitations of amended independent claims 1, 12 and 23. As stated in Geller, Geller discloses:

A method and system stores a product catalog, which includes product names and can include a category for each product. Attributes for each product category are identified and products within each category are evaluated by experts who can compare each of the products and how they rate with respect to each attribute. Each of the products in each category is rated for compliance with the attributes identified, for example using a 100-point scale, and the ratings are stored. *The user is prompted to select a category. For the category selected, stored prompts are provided to the user, allowing the user to weigh the importance of each attribute, and this preference information is stored.* The preference and rating information stored is used to rank each product within the category and *provide the ranking to the user*, tailored to the preferences of the user. The user can change a preference and recalculate the rankings based on the new preference information. The user can obtain additional evaluation information, and can order the product. The catalog, attributes, prompts and evaluation information is remotely updatable. (Geller, Column 2, lines 17-37, emphasis added).

As detailed above, in Geller, a user selects a category and for the category selected *stored prompts are provided to the user allowing the user to weigh the importance of each attribute*, and rankings are provided to the user.

Applicant respectfully submits that clearly the combination of Geller and the provisional Stromberg application do not teach, suggest or render obvious Applicants' amended independent claims 1, 12, and 23 which recite limitations directed to: *creating a plurality of categories wherein each category identifies an attribute...associating products having at least one attribute with at least one category...and upon selection of a product by a user in communication with a visual browser via a computer network, automatically displaying a plurality of related products having at least one attribute in common with the main product that are selectable for purchase by the user.*

Based on the foregoing, Applicant respectfully submits that there is no teaching or suggestion in either Geller, the provisional Stromberg application, or the combination thereof, of the claim limitations of Applicant's amended independent claims 1, 12, and 23. Quite simply, Applicant's claim limitations are not taught or suggested by either of these references.

Accordingly, Applicant respectfully requests that Applicant's independent claims 1, 12, and 23 be allowed and moved to issuance. Further, Applicant's dependent claims are allowable for being dependent upon allowable base claims.

Also, it should be noted, that the Stromberg provisional application does not include any figures and seems to be more in the vein of a product advertisement or description and is substantially different than the actual published Stromberg patent application (which does include figures, etc.) and that the provisional Stromberg application itself may have some enablement issues.

Conclusion

In view of the remarks made above, it is respectfully submitted that pending claims 1, 3-12, 14-23, and 25-33 define the subject invention over the prior art of record. Thus, Applicant respectfully submits that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.


Respectfully submitted,

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Dated: 1/21/2004

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